

JUN 19 2006

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To:

NAME:	FACSIMILE:	TELEPHONE:
USPTO - Mail Stop	(571) 273-8300	

FROM: Barbara M. Hayashi

DATE: June 19, 2006

Number of pages with cover page:	4	Our Reference 297912004300
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Preparer of this slip has confirmed that facsimile number given is correct: 11487/BMH2

Comments:

Application No. 10/500,518

Attached: a) Transmittal Form, b) Petition to Expunge - 2 pages.

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oc-308977

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PTO/SB/21 (09-04)


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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/500,518
		Filing Date	March 1, 2005
		First Named Inventor	Norbert HESKE
		Art Unit	3736
		Examiner Name	B. S. SZMAL
Total Number of Pages in This Submission	3	Attorney Docket Number	297912004300

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition - 2 pages <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	MORRISON & FOERSTER LLP, Customer No. 25224	
Signature		
Printed name	Todd W. Wight	
Date	June 19, 2006	Reg. No. 45,218

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Dated: June 19, 2006	Signature:  (Barbara Hayashi)

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Dated: June 19, 2006 Signature: _____


(Barbara Hayashi)

Docket No.: 297912004300
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Norbert HESKE et al.

Application No.: 10/500,518

Confirmation No.: 6401

Filed: March 1, 2005

Art Unit: 3736

For: BIOPSY DEVICE AND INSERTABLE
BIOPSY NEEDLE MODULE

Examiner: B. S. SZMAL

**PETITION TO EXPUNGE INFORMATION UNINTENTIONALLY SUBMITTED IN
APPLICATION UNDER 37 CFR §1.59(B)**

Mail Stop
Attention: Technology Center Director
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Decision on Petition mailed May 19, 2006, regarding the Petition filed under 37 C.F.R. §1.59(b) on January 17, 2006 to expunge information from the above-referenced application, which was Dismissed. The Petition was dismissed because of a deficiency identified as a lack of "commitment on the part of the petitioner to retain the information to be expunged for the life of any patent with regard to which such information has been submitted." This is a request for reconsideration of the Petition, including the missing statement of commitment, to cure the deficiency of the previously filed Petition and is timely filed within the allotted two month time period, which expires July 19, 2006. Reconsideration is respectfully requested.

Petitioner requests that one page of information unintentionally submitted in an Information Disclosure Statement filed on October 1, 2004, be expunged from the record.

oc-308972

Application No.: 10/500,518

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Docket No.: 297912004300

A) The one page of information to be expunged is designated as page 68 of WO 00/30546, following FIG. 13, which was inadvertently included with the WO reference, but which is not part of that reference.

B) The one page of information to be expunged is marked "Privileged and Confidential" and is proprietary material that has not been otherwise made public. The information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party in interest on whose behalf the information was submitted.


C) Petitioner hereby makes the commitment to retain the privileged page for the period of any patent with regard to which such information has been submitted.

D) This Petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information.

E) Petitioner believes no fees are required for this reconsideration; however, authorization is hereby made to charge any additional fees which may be required by this paper to Deposit Account No. 031952.

Dated: June 19, 2006

Respectfully submitted,

By 
Todd W. Wight
Registration No.: 45,218
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19900 MacArthur Boulevard
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oc-308972